

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Case No.: 5:05-cv-00230**

VIRGIN RECORDS AMERICA, INC., a)
California corporation; MAVERICK)
RECORDING COMPANY, a California joint)
venture; BMG MUSIC, a New York general)
partnership; MOTOWN RECORD COMPANY,)
L.P., a California limited partnership;)
INTERSCOPE RECORDS, a California general)
partnership; BMG MUSIC, a New York general)
partnership; and SONY BMG MUSIC)
ENTERTAINMENT, a Delaware general)
partnership,)

Plaintiffs,)

v.)

KEN ABRAMS,)

Defendant.)

FILED
STATESVILLE, N.C.

FEB 9 2006

U.S. DISTRICT COURT
W. DIST. OF NC

DEFAULT JUDGMENT AND PERMANENT INJUNCTION

Based upon Plaintiffs' Motion For Default Judgment, and good cause appearing therefore, it is hereby Ordered and Adjudged that:

1. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the eight sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Six Thousand Dollars (\$6,000.00).


2. Defendant further shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Thirty-Three," on album "Mellon Collie and the Infinite Sadness," by artist "Smashing Pumpkins" (SR# 183-904);
- "All You Wanted," on album "The Spirit Room," by artist "Michelle Branch" (SR# 303-732);
- "I Turn To You," on album "Christina Aguilera," by artist "Christina Aguilera" (SR# 274-004);
- "Stuck on You," on album "Can't Slow Down," by artist "Lionel Richie" (SR# 49-235);
- "Hey Baby," on album "Rock Steady," by artist "No Doubt" (SR# 305-872);
- "If You're Gonna Play In Texas," on album "Roll On," by artist "Alabama" (SR# 52-706);
- "On Bended Knee," on album "II," by artist "Boyz II Men" (SR# 196-004);
- "When Can I See You," on album "For The Cool In You," by artist "Babyface" (SR# 184-540);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of

Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

DATED: Feb. 3, 2006

By: 
Hon. Richard L. Voorhees
United States District Judge